

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse  
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Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

November 29, 2022

Mr. Aric Grant Elsenheimer  
Office of the Federal Public Defender  
District of New Mexico  
506 South Main Street, Suite 400  
Las Cruces, NM 88001

**RE: 22-2142, United States v. Smith**  
Dist/Ag docket: 1:18-CR-03495-JCH-1

Dear Counsel:

Your appeal has been docketed, and the appeal number is above. **Within 14 days** from the date of this letter, Appellant's counsel must electronically file:

- **An entry of appearance** per 10th Cir. R. 46.1(A).
- **A docketing statement** per 10th Cir. R. 3.4.
- **A transcript order form or notice that no transcript is necessary** per 10th Cir. R. 10.2. This form must be filed in **both** the district court and this court.
- **A designation of record** per 10th Cir. R.10.3(A). This form must be filed in **both** the district court and this court.
- **Either a motion to continue your CJA appointment, or a motion to withdraw** per 10th Cir. R. 46.3(B).
- **Please note:** A defendant-appellant's trial counsel in criminal and post-conviction cases **must** perfect the appeal before seeking to withdraw. This is the case even if counsel did not file the notice of appeal. Perfecting the appeal requires filing, at a minimum, an entry of appearance and a docketing statement. 10th Cir. R. 46.3(A).

**Also within 14 days**, Appellee's counsel must electronically file an entry of appearance. **Attorneys that do not enter an appearance within the specified time frame will be removed from the service list.**

The **Federal Rules of Appellate Procedure**, the **Tenth Circuit Rules**, and **forms** for the aforementioned filings are on the court's [website](#). The Clerk's Office has also created a set of **quick reference guides** and **checklists** that highlight procedural requirements of appeals filed in this court.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert  
Clerk of Court

cc:      Kyle Nayback  
          Novaline D. Wilson

CMW/sds